

Notice of Allowability

Application No.

09/742,362

Applicant(s)

TESHIMA, ATSUSHI

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication of 2/6/2007.
2. ☒ The allowed claim(s) is/are 8,34,36-39,42 and 44-53.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

DETAILED ACTION

Claims 8, 34, 36-39, 42, and 44-53 have been examined.

Allowable Subject Matter

Claim 8 is allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Woolston (U.S. Patent 6,202,051), discloses a method for operating a virtual shopping mall by using a computer system, the computer system being established on a plurality of chain stores which are chained in advance to one another to form a physical distribution system, each of said chain stores including a terminal base unit for registering virtual goods information including an image, said terminal base units being connectable to the virtual shopping mall by a communication line, said method comprising: registering virtual goods information, which corresponds to a seller's real goods, from one of said terminal base units provided in one of the chain stores to the virtual shopping mall after receiving said virtual goods information from said seller, said registering virtual goods information including capturing the image of said real goods as a part of said virtual goods information (column 3, lines 50-64; column 4, lines 20-46); intermediating trading between said seller and a buyer on said virtual shopping mall by presenting said virtual goods information to the buyer (Abstract; column 4, line 66, through column 5, line 19); and establishing trading between said buyer and said seller, which achieves business on said virtual shopping mall (Abstract; column 4, line 66, through column 6, line 49). Woolston discloses ordering delivery of

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physical goods to a buyer's desired location, implying setting a delivery path on the physical distribution system for delivering said real goods from the seller to the buyer in accordance with a buyer's selection (column 5, lines 20-30), but Woolston does not precisely disclose that the delivery is to a terminal base from which the buyer receives said real goods. However, Galler ("IP: NYT Digital Commerce: Is Delivery the Dealbreaker for E-Commerce?") teaches delivering products ordered in electronic commerce to bases at chain stores where buyers receive the real goods (four paragraphs beginning from, "Packagenet, a Fairfield, Iowa, company"). Woolston further discloses that a franchisee may be restricted to selling a particular category of goods, and there is also prior art for charging sellers fees to display their goods information on a virtual shopping mall. However, neither Woolston nor any other prior art of record discloses, teaches, or reasonably suggests setting the maximum value of the number of categories of said virtual goods which can be displayed on the virtual shopping mall according to the fee charged to the seller. The anonymous article, "CNN Looking to Partner with Drug Store for Online Mall," discloses an online vendor offering retailers category exclusivity, presumably for payment, but this does not meet the claim limitations, even granting the "presumably."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 34, 36-39, 42, and 44-53 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art documents of record are: Scisco ("Tend the Store for World Wide Orders") and Woolston (U.S. Patent 6,202,051). Scisco discloses a shop terminal base unit for registering commercial goods in a virtual shopping mall, the shop terminal base unit comprising: a display device which displays a predetermined screen (three paragraphs beginning from "Because Clayton isn't as comfortable"); a capturing apparatus which obtains an image of the goods to be registered in the virtual shopping mall (two paragraphs beginning from "Next, we changed the background"); an input unit which inputs goods information by a seller in accordance with the predetermined screen page displayed in the display device (two paragraphs beginning from "Eager to start, I simply clicked"); a virtual goods information generating unit which generates virtual goods information based on image data of the goods captured by the capturing apparatus (ibid., including the paragraph beginning, "Seeing how simple", and also the subsequent description of Live Store's operation); and a commercial goods registration processing unit which registers the virtual goods information generated by said virtual goods information generating unit (ibid., the registration of the goods following from the disclosed ability of customers to place orders, etc.). Scisco does not disclose that the terminal base unit is provided at one of a plurality of real stores which are chained to one another and form a physical distribution system, but Woolston teaches such a plurality of real stores forming a physical distribution system (column 2, line 26, through

column 3, line 15; column 3, lines 50-64; column 4, line 66, through column 5, line 19; column 15, line 53, through column 17, line 36; Figure 13).

Scisco does not disclose that the display device includes a touch panel type display screen and the input unit includes a touch pen used for the touch panel type display screen but it is well known for computers to use touch screens and touch pens, as taught, for example, by Wexler ("Screen Busters; Keyboard Troubles?") (first three text paragraphs, especially).

Scisco does not disclose a digital camera which obtains an image data of the goods to be registered in the virtual shopping mall, but Woolston teaches this (e.g., column 15, lines 6-52; Figure 12), and a digital camera makes obvious an accommodating part for accommodating the digital camera therein.

Scisco does not disclose a commercial goods purchase processing unit which transmits into the virtual shopping mall apparatus information of a real shop where the goods are to be delivered, but Galler ("IP: NYT Digital Commerce: Is Delivery the Dealbreaker for E-Commerce?") discloses delivering goods to a real shop (entire article, especially the four paragraphs beginning from "Packagenet, a Fairfield, Iowa, company"), implying that the buyer to whom the goods were to be delivered would input the information of the real shop (from among the 4,000 depot shops taught in Galler) so that the seller or shipper would know where the goods were to be delivered.

Scisco does not expressly disclose a fee processing unit which demands an ownership registration fee for the seller upon receipt of a notification from the shopping mall operation apparatus that the information of the seller has been registered in the

virtual shopping mall operation apparatus, but Scisco does disclose leasing space in a virtual mall (paragraph beginning "But a shop on the Internet"), implying an appropriate fee processing unit which demands the fee for leasing space. Scisco does not disclose the fee processing unit including a slot for inserting and returning coins and bills for paying the owner registration fee, but Watanabe teaches such a slot for paying a registration fee (column 14, lines 40-50); such slots are also well known in vending machines. However, the present invention is not a vending machine or pay telephone, and slot for inserting and returning coins and bills for paying an owner registration fee, or other fees for engaging in electronic commerce, are not standard or well known. There is no teaching or motivation in the prior art of record to combine the money slot of Watanabe with the electronic commerce inventions of Scisco and Woolston. While no element in claim 34 appears to be entirely novel, there is insufficient reason to combine the various disparate prior art references of record so as to arrive at the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER
April 26, 2007